

**MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

JERRY LEE DOUGLAS v. SUPERINTENDENT ZEE HYDEN
THE HONORABLE JOHN W. SEDWICK CASE NO. 3:03-cv-00221-JWS
Deputy Clerk Official Recorder
Pam Richter

APPEARANCES: for PLAINTIFF: ----

for DEFENDANT: ----

PROCEEDINGS: **ORDER FROM CHAMBERS**

Referral of the motion at docket 25 for an evidentiary hearing is withdrawn from the Magistrate Judge.

In the motion at docket 25, counsel for Douglas requests an evidentiary hearing but adds: "[I]t is her humble recommendation that the court defer its determination as to the need for an evidentiary hearing until after the initial round of briefing which will fully reference all prior proceedings and exhibits, and will more effectively demonstrate the inadequacy of the state court record." (Doc. 25 at p. 2) This court believes that counsel as well as the magistrate judge will be much better prepared to assess the need for an evidentiary hearing after she sees all of the briefing. Now that the final briefing schedule has finally been set, this court has determined that the need for an evidentiary hearing should be evaluated by the parties and the Magistrate Judge in light of the briefing which is eventually filed. Accordingly, the motion at docket 25 is **DENIED** with leave to file a renewed request for an evidentiary hearing on or before September 26, 2006, if one actually appears to be necessary.

All further proceedings in this case shall remain on referral to Magistrate Judge Roberts.

DATE: July 31, 2006

ENTERED AT JUDGE'S DIRECTION
INITIALS: pr
Deputy Clerk